



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

TRG

Docket No: 3645-99

21 September 2000

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 19 September 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you enlisted in the Navy on 24 September 1993 at age 29. The record shows that you completed initial training and, on 22 March 1994, you reported to your first duty station. Subsequently, you were referred for a psychiatric evaluation. You told the psychiatrist that you had developed a great hatred and tremendous stress and mental anguish about being in the Navy. In addition, you stated that you had considered suicide and killing others in anger. You told the psychiatrist that you had a previous psychiatric evaluation which resulted in a diagnosis of a possible personality disorder. You stated that you would do anything to get out of the Navy. The psychiatrist diagnosed you with a severe personality disorder, considered you to be at risk to harm yourself or others, and recommended an expeditious administrative discharge.

Based on this recommendation, you were processed for an administrative discharge. In the performance evaluation for the period 22 March to 26 July 1994 you were not recommended for advancement or retention in the Navy. The evaluation states, in part, as follows:

... He was unable to grasp basic fundamentals of deck seamanship and required extremely close supervision during rigging tasks and unrep evolutions. ... was unable to make adjustments in his lifestyle that allowed him to fit in with his younger peers

On 3 October 1994 you were issued a general discharge. At that time you were not recommended for reenlistment and were assigned an RE-4 reenlistment code.

Subsequently, the Naval Discharge Review Board considered your case and concluded that an honorable discharge was appropriate in your case. Your record has been corrected to show that you received an honorable discharge on 3 October 1994.

You state in your application, in effect, that you followed improper advice and lied about your mental status in order to be discharged from the Navy. You have submitted a psychiatric evaluation done by the Department of Veterans Affairs (DVA) which concluded, in part, as follows:

On psychological testing, the patient demonstrated no evidence of an Axis I disorder. A result consistent with the psychiatric interview findings of his treating psychiatrist. Testing did reveal personality traits of aggressiveness and self-centeredness, but these findings are not in themselves sufficient to diagnose a personality disorder, per se. The patient has had interpersonal conflicts and possibly suffered a clinical depression in the military, which may be attributable to a unique combination of personality and situation(al) factors. Actually, his personality traits may be adaptive under certain conditions in a military context.

Concerning the DVA psychiatric evaluation, the Board noted that there is no evidence that the psychiatric evaluation done by the Navy was reviewed or that your suicidal ideation and claim that you might harm others were considered. In addition, the Board was aware that a personality disorder may only become manifest when an individual is under stress. Therefore, the Board believed that the DVA evaluation was insufficient to refute the evaluation done by the Navy. The Board concluded that you were properly discharged by reason of a diagnosed personality disorder.

The Board was aware that it is well settled in the law that an individual who perpetrates a fraud in order to be discharged should not benefit from that fraud when it is discovered. This means that even if it could be established that you do not have a

personality disorder, your admission that you lied in order to be discharged would normally preclude favorable action in your case.

Regulations allow for the assignment of an RE-4 reenlistment code when an individual is discharged based on a diagnosed personality disorder and such a code is normally assigned when there is a finding that an individual is at risk to harm himself or others. In addition, the final adverse performance evaluation was sufficient to support the assignment of the RE-4 reenlistment code. The Board concluded that the RE-4 reenlistment code was properly assigned and no change is warranted.

Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director

Copy to:
The American Legion